

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREDERICK KERNER and  
LINDA DIANE KERNER, h/w  
315 N. Lafayette Avenue,  
Morrisville, PA 19067

Plaintiffs,

V.

SIGNODE CORPORATION  
3610 West Lake Avenue  
Glenview, Illinois 60025

Defendants.

CIVIL ACTION

NO.02-CV-4728

## PLAINTIFF'S PRETRIAL DISCLOSURES

### A. WITNESS LIST

Frederick Kerner, 315 N. Lafayette Ave, Morrisville, PA 19067

Linda Diane Kerner, 315 N. Lafayette Ave, Morrisville, PA 19067

Charles Stoneacker, 2806 Somerset Drive, Cinnaminson, NJ

Dennis Jones, U.S. Steel Corporation, U.S.S. Fairless Works, Fairless Hills, PA

Michael Yack, Indiana

Bob Kresge, Signode, 3610 West Lake Avenue, Glenview, Illinois 60025

Michael Marien, Signode, 3610 West Lake Avenue, Glenview, Illinois 60025

Gary Pirozzola, 5 Tempo Road, Levittown, PA 19056

Michael Putnam, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

Jeddie Stone, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

Daniel Boggs, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

Michael J. Brown, 1508 Dorothy Drive, Palantine, Illinois, 60074

Mark Cebrick, U.S. Steel Corporation, U.S.S. Fairless Works, Fairless Hills, PA

Janusz Figiel, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

James Franklin, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

Arnold Keith Glenn, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

Willis Hall, Signode, 3610 West Lake Avenue, Glenview, Illinois, 60025

Dr. Scott H. Jaeger, The Lafayette Building, 437 Chestnut Street, Suite 406, Philadelphia, PA 19106-2414

Daniel Rapucci, Dan Mar Associates, Swedesford Corporate Center, 631-B Swedesford Road, Frazier, PA 19355

David L. Hopkins, A.S.A., 15 Union Hill Road, 2nd Floor, West Conshohocken, PA 19428

Craig Clauser, PE, Consulting Engineers & Scientists, 41 General Warren Blvd., Malvern, PA 19355

Cornell Percy, M.D., USS Fairless Works, Fairless Hills, PA

Mark Lamb, M.D., Princeton Orthopedic Associates, P.A., 325 Princeton Avenue, Princeton, NJ 08540

William Bonner, M.D., The Offices at Oxford Crossing, Suite 102, 333 Oxford Valley Road, Fairless Hills, PA

Emill Matarese, M.D., Comprehensive Neurologic Associates, Inc., St. Mary's Medical Building, Suite 211, Langhorne - Newtown Road, Langhorne, PA 19047

George T. Stollsteimer, M.D., Bucks County Orthopedic Surgery Associates, P.C., Middletown Professional Plaza, 1400 New Rogers Road, Suite 101, Levittown, PA 19056

Alan Dansbury, M.D., Yardley Medical Center, 62 South Main Street, Yardley, PA 19067

Donald F. Leatherwood, II, Elkins Park Hospital, 60 East Township Line Road, Elkins Park, PA 19027

Paul Steinfeld, M.D., Muscle Bone & Joint Center, 3110 Grant Avenue, Philadelphia, PA 19114

**B. DEPOSITION DESIGNATIONS**

**Arnold Keith Glenn, deposition taken May 23, 2003**

p5 L22-24  
p6 L24  
p7 L1-24  
p8 L1-24  
p10 L12-24  
p11 L1-7; 9-24  
p12 L1-24  
p13 L1-5; 16-24  
p14 L1-6

**James Franklin, deposition taken May 23, 2003**

p5 L7-9  
p6 L13-24  
p7 L1-24  
p8 L1-13  
p11 L23, 24  
p12 L1-24  
p13 L4-7  
p13 L19-24  
p14 L1-13

**Michael Marien, deposition taken May 2, 2003**

p6 L15 - p7 L4  
p7 L10 - p8 L16  
p9 L4 - p20 L16  
p21 L9 - p24 L11  
p24 L21 - p26 L24  
p32 L3 - L9  
p44 L6 - p46 L2  
p50 L18 - L22  
p51 L8 - p51 L15  
p52 L7 - p53 L14  
p55 L7 - p55 L15  
p59 L9 - p59 L22  
p61 L20 - p65 L4  
p66 L19 - p68 L6

**Michael Putnam, deposition taken May 23, 2003**

p5 L7-9  
p6 L16-20  
p7 L4-24  
p8 L1-3

**Daniel Boggs, deposition taken May 23, 2003**

p5 L7-9  
p6 L20-24  
p7 L1-9  
p8 L10-17  
p9 L1-14  
p10 L15-24  
p11 L1-8

**Willis Hall, deposition taken May 23, 2003**

p5 L7-9  
p6 L11-24  
p7 L1-24  
p8 L1-24  
p9 L1-19  
p19 L12-19

**Jeddie Stone, deposition taken May 23, 2003**

p5 L7-9  
p7 L12-24  
p8 L1-24  
p9 L1-6  
p10 L1-10  
p13 L6-24  
p14 L4; 6-8; 17-18; 20-24  
p15 L1; 14-18  
p17 L6-21  
p18 L18-24  
p19 L1-24  
p20 L1-24  
p21 L1-24  
p22 L1-11  
p23 L5-24  
p24 L1-6; 22-24  
p25 L1-17; 22; 24  
p26 L1-3  
p28 L22-24  
p29 L1-10  
p30 L16-24  
p31 L12-13; 16-24  
p32 L23-24  
p33 L3-5

**Bob Kresge, deposition taken March 19, 2003**

p5 L13 - p8 L12

p10 L10 - p11 L4  
p11 L5 - p12 L19  
p13 L22 - p14 L16  
ending at word "see"  
p19 L20 - p20 L2  
p20 L17 - 18  
p33 L18 - p35 L14  
p37 L2 - p37 L14  
p42 L5 Beginning with the word "how" through p45 L4  
p45 L9 - L12  
p45 L10 - p46 L18  
p47 L16 - p48 L1  
p48 L10 - p49 L5

**Janusz Figiel, deposition taken May 2, 2003**

p6 L7 - 9  
p8 L8 - p9 L14  
p12 L9 - p14 L4  
p26 L10 - p28 L6  
p29 L8 - p31 L5  
p41 L16 - p45 L12  
p45 L16 - p51 L2  
p52 L5 - p56 L12  
p64 L3 - p65 L24  
p79 L14 - p79 L22  
p80 L21 - p83 L24  
p84 L16 - p85 L2

**Michael J. Brown, deposition taken March 19, 2003**

p6 L12 - p10 L22  
p11 L2 - p11 L22  
p13 L8 - p14 L11  
p16 L5 - p21 L11  
p21 L17 - p22 L2  
p22 L6 - L13  
p23 L14 - p28 L10  
p28 L21 - p30 L17  
p31 L2 - p34 L23  
p35 L14 - p37 L24  
p39 L15 - p43 L15  
p44 L16 - L12  
p47 L6 - p59 L22  
p61 L3 - p61 L22  
p65 L44 - p69 L17  
p70 L6 - p71 L18

p73 L5 - p74 L20  
p75 L11 - p80 L3  
p83 L9 - p85 L1  
p85 L9 - p86 L9  
p89 L12 - 15  
p89 L23 - 24  
p90 L4 - p92 L21  
p93 L9 - p102 L22

**C. EXHIBITS**

1. Deposition transcript of Frederick Kerner and all exhibits attached thereto
2. Deposition transcript of Linda Diane Kerner and all exhibits attached thereto
3. Deposition transcript of Charles Stoneacker and all exhibits attached thereto
4. Deposition transcript of Dennis Jones and all exhibits attached thereto
5. Deposition transcript of Michael Yack and all exhibits attached thereto
6. Deposition transcript of Bob Kresge and all exhibits attached thereto
7. Deposition transcript of Michael Marien and all exhibits attached thereto
8. Deposition transcript of Gary Pirozzola and all exhibits attached thereto
9. Deposition transcript of Michael Putnam and all exhibits attached thereto
10. Deposition transcript of Jeddie Stone and all exhibits attached thereto
11. Deposition transcript of Daniel Boggs and all exhibits attached thereto
12. Deposition transcript of Michael J. Brown and all exhibits attached thereto
13. Deposition transcript of Mark Cebrick and all exhibits attached thereto
14. Deposition transcript of Janusz Figiel and all exhibits attached thereto
15. Deposition transcript of James Franklin and all exhibits attached thereto
16. Deposition transcript of Arnold Keith Glenn and all exhibits attached thereto
17. Deposition transcript of Willis Hall and all exhibits attached thereto

18. All expert reports and CV of Dr. Scott H. Jaeger and all exhibits attached thereto including expert reports dated 3/4/03 and 7/20/03 of Scott H. Jaeger, M.D. and any documents referenced in the foregoing.

19. All expert reports and CV of Randall W. Culp and all exhibits attached thereto and any documents referenced in the foregoing.

20. All expert reports and CV of Daniel Rapucci and all exhibits attached thereto and any documents referenced in the foregoing.

21. All expert reports and CV of David L. Hopkins, A.S.A. and all exhibits attached thereto and any documents referenced in the foregoing.

22. All expert reports and CV of Craig Clauser, PE and all exhibits attached thereto and any documents referenced in the foregoing.

23. U.S. Steel Corporation payroll history for Frederick Kerner from 1999 to the present.

24. Workers' Compensation payment history for Frederick Kerner from injury date to the present.

25. Copies of Appendix A and A-1 from 1999 Basic Labor Agreement showing the wage rates for Mr. Kerner - job class 8.

26. Video tape entitled Signode Hand Tool Safety

27. Plaintiff's supplemental request for production of documents addressed to Signode Corporation and Signode Corporation's responses thereto.

28. Plaintiff's request for production of documents to defendant, Signode Corporation and defendant, Signode Corporation's responses thereto.

29. Any and all drawings produced by Signode Corporation in response for Plaintiff's request for production of documents including but not limited to P253106, P253105 and P020371

30. RCD1431 sealer inspection check list produced by defendant, Signode Corporation.

31. Document produced by defendant, Signode Corporation that reflects manual sealer specifications.

32. Defendant, Signode Corporation warning sign as produced by defendant

referenced as P-003132.

33. Plaintiff's second set of interrogatories directed to defendant, Signode and defendant, Signode's responses thereto. (Excluding Illinois Toolworks, Inc.'s 2001 annual report)

34. Subpoenas directed to U.S. Steel Corporation issued February 24, 2003 and U.S. Steel Corporation's responses thereto dated March 10, 2003.

35. Email from Mark Cebrick dated 7/19/00 RE: Fred Kerner accident.

36. U.S.S. Fairless Works serious incident without injury report dated 7/20/00

37. Accident report of Fairless Works sheet division dated 7/19/00 (this is a 2 page document)

38. Earlier version of drawing P-20371 which identifies the pre-CAD changes.

39. Any and all photographs taken by defense counsel at premises inspection, U.S. Steelworks Fairless Hills, PA.

40. Booklet entitled "General Hand Tool and Strapping Safety" published by Signode, copyright 1997.

41. U.S. Steel Corporation report of third turn July 19, 2000, prepared by Mark Cebrick on July 19, 2000. (Produced by U.S. Steel Corporation)

42. Photographs taken by Craig Clauser during his inspection of U.S. Steel Fairless Hills.

43. June 20, 2003 letter from Rosemary Pinto to James Donohue reflecting Mr. Kerner's information that he was using a three quarter inch strapping on the date of his accident was an error. Mr. Kerner had realized that he was using a one and quarter inch strapping on the day of his accident with a double notch sealer.

44. Any and all previous drawings predating the change to the computer assisted drawings related to the improvements of the handles on the sealers produced by defendant, Signode Corporation.

45. Defendant, Signode Corporation design diagram P020371

46. United States individual income tax returns and W2 (1996) of Frederick and Linda Kerner dated 1996-2002.

47. U.S. Steel Corporation medical file of Frederick Kerner.



48. U.S. Steel Corporation Workers' Comp medical file regarding Frederick Kerner.
49. U.S. Steel Corporation personnel file regarding Frederick Kerner.
50. All records and reports of Cornell Percy, M.D. relating to Frederick Kerner.
51. All records and reports of Mark Lamb, M.D. relating to Frederick Kerner.
52. All records and reports of William Bonner, M.D. relating to Frederick Kerner.
53. All records and reports of Emill Matarese, M.D. relating to Frederick Kerner.
54. All records and reports of George T. Stollsteimer, M.D. relating to Frederick Kerner.
55. All records and reports of Alan Dansbury, M.D. relating to Frederick Kerner.
56. All records and reports of Donald F. Leatherwood, II, relating to Frederick Kerner.
57. All records and reports of Paul Steinfeld, M.D. relating to Frederick Kerner.
58. All records and reports of Northeast Orthopedic regarding Frederick Kerner.
59. All records and reports of Mark Desmond, M.D. regarding Frederick Kerner.
60. All records and reports of Interpretive Neurodiagnostics, 555 2<sup>nd</sup> Avenue, Collegeville, PA 19426.
61. All records and reports of Jefferson Imaging, Langhorne, PA.
62. All records and reports of Northeast Orthopedic Specialists, 3110 Grant Avenue, Philadelphia, PA 19114.
63. All records and reports of Associated Physical Therapists, Inc.
64. All records and reports of Dr. Vostinak.
65. All records and reports of Dr. Wolfe.
66. Any and all MRI, EMG and/or X-ray films of Plaintiff including but not limited to:
  - a) MRI cervical spine 2/00;
  - b) X-ray 2/00
  - c) MRI 5/00

- d) MRI cervical spine, lumbar spine 10/00;
  - e) MRI upper ext. joint 10/16/00;
  - f) EMG 10/00 - Dr. Matarese;
  - h) MRI upper ext joint 6/18/02;
  - i) EMG 5/03;
  - j) EMG 2/03.
67. Records of Mr. Richard Reid, physical therapist.
68. Documentation regarding of change order numbers 52320 and 52430.
69. Operation, parts and safety manual of Signode RCD-1431-3431.
70. Any and all photographs taken by Craig Clauser, PE at USS Steel, Fairless Hills, PA.
71. American Society for Metals, Aluminum, Properties and Physical Metallurgy
72. Aluminum Company of America, Structural Handbook, A Design Manual for Aluminum
73. ANSI H35.2 Dimensional Tolerances for Aluminum Mill Products.
74. Tool produced by Signode in response to plaintiff's request for production of the tool that Frederick Kerner was using on the date of his incident.
75. Various exemplar Signode RCD notchers provided to Consulting Engineers and Scientists, Inc. for examination.
76. Anatomical drawings.
77. Any medical records and/or employment records regarding the plaintiff that was produced in discovery which were inadvertently not referenced.
78. Any discovery questions and answers/things produced which were inadvertently not referenced which were generated in this action.
79. Any documents produced by defendant after generation of this exhibit list.
80. All records of the US Steel related to Mr. Kerner's accident and/or employment history.
81. Any exhibits listed by defendant in its Pretrial Memorandum.

82. Plaintiffs reserve the right to present any of its evidence in an enlarged form.

FELDMAN & PINTO

By: \_\_\_\_\_  
Rosemary Pinto, Esquire  
Attorney for Plaintiffs  
1604 Locust Street, 2R  
Philadelphia, PA 19103  
215-546-2604

Dated: August 18, 2003